CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	To	eam:	CCRB Case #:	Force	☐ Discourt.	U.S.
Ariel Courage	So	quad #6	201601113	✓ Abuse	O.L.	☐ Injury
Incident Date(s)	1.	ocation of Incident:		Precinct:	18 Mo. SOL	EO SOL
, ,				1		
Sunday, 12/06/2015 12:15 AM		side of § 87(2)(b)		26	6/6/2017	6/6/2017
Date/Time CV Reported		V Reported At:	How CV Reported		ne Received at CCF	
Mon, 02/01/2016 6:29 PM	IA	AB	E-mail	Mon, 02/	/08/2016 11:25 AN	1
Complainant/Victim	Type	Home Add	ress			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Brian Raghoenathsingh	12105	956185	HBM IRT			
2. POM Sajit Tomy	7575	955585	HBM IRT			
Witness Officer(s)	Shield No	Tax No	Cmd Name			
1. SGT Sujin Samuel	01735	939410	HBM IRT			
Officer(s)	Allegation			Inv	estigator Recon	nmendation
A.POM Brian Raghoenathsingh	Abuse: Poli § 87(2)(b)	ce Officer Brian Ra	ghoenathsingh stopp	ed		
B.POM Sajit Tomy	Abuse: Police Officer Sajit Tomy stopped \$87(2)(b)					
C.POM Brian Raghoenathsingh	Abuse: Police Officer Brian Raghoenathsingh frisked \$87(2)(b)					
D.POM Sajit Tomy	Abuse: Police Officer Sajit Tomy frisked § 87(2)(b)					
E.POM Brian Raghoenathsingh	Abuse: Police Officer Brian Raghoenathsingh searched					
F.POM Sajit Tomy	Abuse: Poli	ce Offier Sajit Tom	y searched § 87(2)(b)			
G.POM Brian Raghoenathsingh	Abuse: Poli	ce Officer Brian Ra	ighoenathsingh stopp	ed [§ 87(2)]		
H.POM Sajit Tomy	Abuse: Poli	ce Officer Sajit Tor	my stopped § 87(2)(b)			
I.POM Brian Raghoenathsingh	Abuse: Poli § 87(2)(b)	ce Officer Brian Ra	ghoenathsingh quest	ioned		
J.POM Sajit Tomy	Abuse: Poli	ce Officer Sajit Tor	my questioned § 87(2)			
K.POM Brian Raghoenathsingh	Abuse: Poli	ce Officer Brian Ra	ighoenathsingh friske	ed § 87(2)		
L.POM Brian Raghoenathsingh	Abuse: Poli	ce Officer Brian Ra	ghoenathsingh search	hed § 87(2)		

Case Summary On January 15, 2016, Manhattan Borough President Gale Brewer filed this complaint on behalf of a constituent, (S87(2)(6)) via a letter addressed to Commissioner Bratton (BR 01). On February 1, 2016, this letter was forwarded via email to IAB. On February 8, 2016, this
complaint was referred to the CCRB (BR 02). An investigation was simultaneously conducted by the NYPD Housing Bureau Investigations Unit (BR 03).
On December 6, 2015, at approximately 12:15 a.m., \$87(2)(b) went to \$87(2) in Manhattan to visit his friend, \$87(2)(b) In the lobby elevator of
was stopped by PO Brian Raghoenathsingh and PO Sajit Tomy of Housing Bureau Manhattan Impact Response Team (Allegations A and B). PO
Raghoenathsingh and PO Tomy both allegedly frisked and searched (Allegations C, D, E, and F). PO Raghoenathsingh and PO Tomy allegedly recovered marijuana from \$87(2)(b)
and § $87(2)(b)$ was arrested for § $87(2)(b)$ (BR 05).
phone and told \$87(2)(b) to come to the stairwell. When \$87(2)(b) appeared, PO
Raghoenathsingh and PO Tomy stopped \$87(2)(b) (Allegation G and H). PO Raghoen PO Raghoenathsingh allegedly asked \$87(2)(b) if he had any marijuana on his person
(Allegation I), and PO Tomy acknowledged asking \$87(2)(6) if he was armed (Allegation J). PO Raghoenathsingh frisked and searched \$87(2)(6) (Allegations K and L).
was ultimately released with a summons for \$87(2)(b) (BR 04).
There is no video footage of this incident. On June 7, 2016, this case was reassigned from Inv. Landino to Inv. Courage.
Mediation, Civil and Criminal Histories
• §87(2)(b) declined to mediate this complaint §87(2)(b)
• As of June 14, 2016, \$87(2)(b) has not filed a Notice of Claim with respect to this incident (BR 06).
● [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
● [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
Civilian and Officer CCRB Histories
• This is the first CCRB complaint involving \$87(2)(b) (BR 09) and \$87(2)(b) (BR

- This is the first CCRB complaint involving \$87(2)(b) (BR 09) and \$87(2)(b) (BR 30).
- PO Raghoenathsingh has been a member of the service for two years. There are three prior allegations against PO Raghoenathsingh stemming from two complaints, both of which occurred in August of 2015. None of these allegations was substantiated.
- PO Tomy has been a member of the service for two years. There are 10 prior allegations against PO Tomy stemming from one complaint that occurred in January of 2016, the following of which were substantiated:

o In CCRB case 201600151, allegations of gun pointed, two allegations of force: gun as club, and an allegation of a stop were substantiated. The Board recommended command discipline B. The NYPD disposition is pending.

Potential Issues

- Because the CCRB did not receive this complaint until February of 2016, approximately two months after the incident date. § 87(2)(9)
- It is undisputed that \$87(2)(b) s friend, \$87(2)(b) was arrested by PO Raghoenathsingh inside of \$87(2)(b) at 12:29 a.m. on December 6, 2015.

\$87(2)(b) was present, while PO Raghoenathsingh and PO Tomy both claimed that they did not encounter \$87(2)(b) until after they had finished their encounter with \$7(2)

declined to provide \$87(2)(b) s contact information to the CCRB, claiming that \$87(2)(b) had told him not to provide it because he did not want to get involved. In the absence of any other contact information for \$87(2)(b) three letters were sent to a partial address located from his arrest report between February 12, 2016, and February 24, 2016, all of which were returned as undeliverable.

On June 23, 2016, a subpoena to SPRINT returned a cell phone number for and a more thorough review of an LN/CLEAR request returned a complete address for 37(2)(b) On June 29, 2016, the Housing Bureau Investigations Unit case file was returned, which confirmed this cell phone number and address for 387(2)(b) Between June 27, 2016, and July 11, 2016, the investigation placed five calls to 387(2)(b) Is number. Each time, either voice messages were left or a male answered who identified himself as 387(2)(b) but who terminated the call abruptly before any questions could be asked. On June 27 and July 5, 2016, two please-call letters were mailed to 387(2)(b) neither of which was returned as undeliverable.

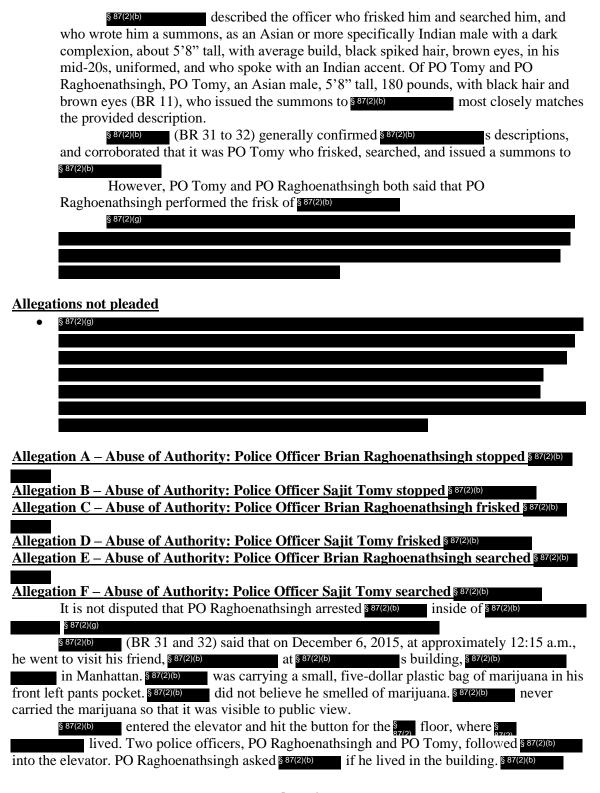
On July 12, 2016, this case was closed and sent to panel for review. On August 12, 2016, 587(2)(5) contacted the CCRB, stating that he had received a letter threatening him with a fine or jail if he failed to cooperate. While the CCRB did not send 587(2)(5) this letter, the investigation took a telephone statement from him (BR 31) and interviewed him in-person (BR 32).

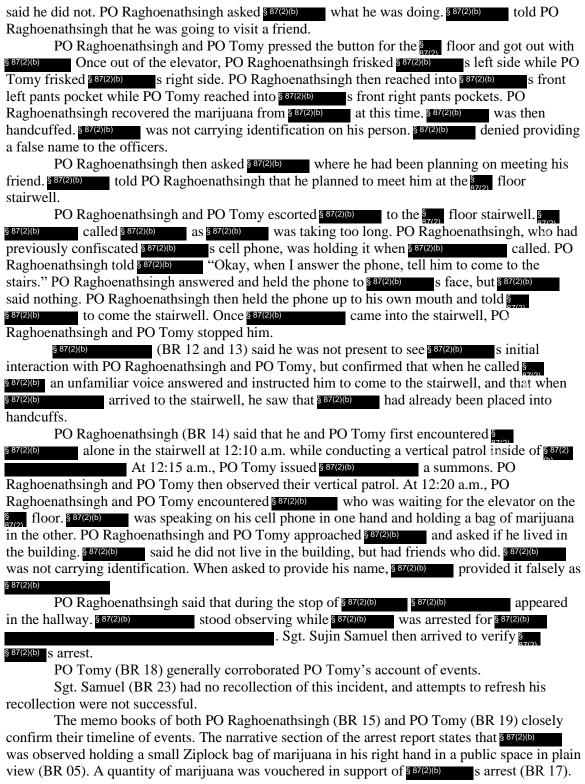
Findings and Recommendations

Explanation of Subject Officer Identification

described the officer who physically stopped him, questioned him, and placed him into handcuffs, as an Asian or more specifically Indian male in his late 20s to early 30s, 5'11" tall, average build, black hair, brown eyes, with a five o'clock shadow, and uniformed. Of PO Tomy and PO Raghoenathsingh, PO Raghoenathsingh, an Asian male, 6'0" tall, 190 pounds, with black hair and brown eyes (BR 10), most closely matches the provided description. Although neither PO Tomy nor PO Raghoenathsingh acknowledged questioning stopped him, questioned him, questioned him, and placed him, questioned him, and placed him into handcuffs, as an Asian or more specifically Indian male in his late 20s to early 30s, 5'11" tall, average build, black hair, brown eyes, with a five o'clock shadow, and uniformed. Of PO Tomy and PO Raghoenathsingh, an Asian male, 6'0" tall, 190 pounds, with black hair and brown eyes (BR 10), most closely matches the provided description. Although neither PO Tomy nor PO Raghoenathsingh acknowledged questioning stopped him, questioned him, and placed him into handcuffs, as an Asian or more specifically Indian male in his late 20s to early 30s, 5'11" tall, average build, black hair, brown eyes, with a five o'clock shadow, and uniformed. Of PO Tomy and PO Raghoenathsingh, PO Raghoenathsingh, and Asian male, 6'0" tall, 190 pounds, with black hair and brown eyes (BR 10), most closely matches the provided description. Although neither PO Tomy nor PO Raghoenathsingh acknowledged questioning stopped him, and Asian placed him into handcuffs, as an Asian or more specifically Indian male in his late 20s to early 30s, 5'11" tall, average build, black hair, brown eyes, with a five o'clock shadow, and uniformed.

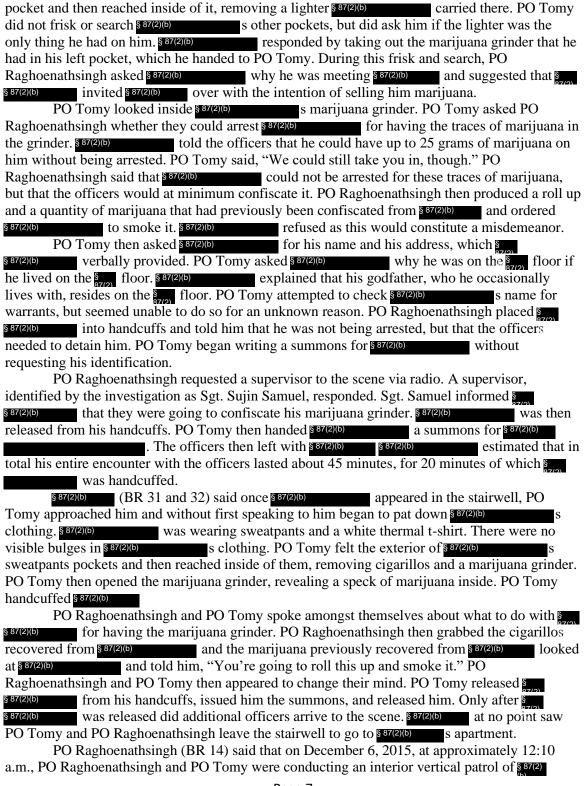
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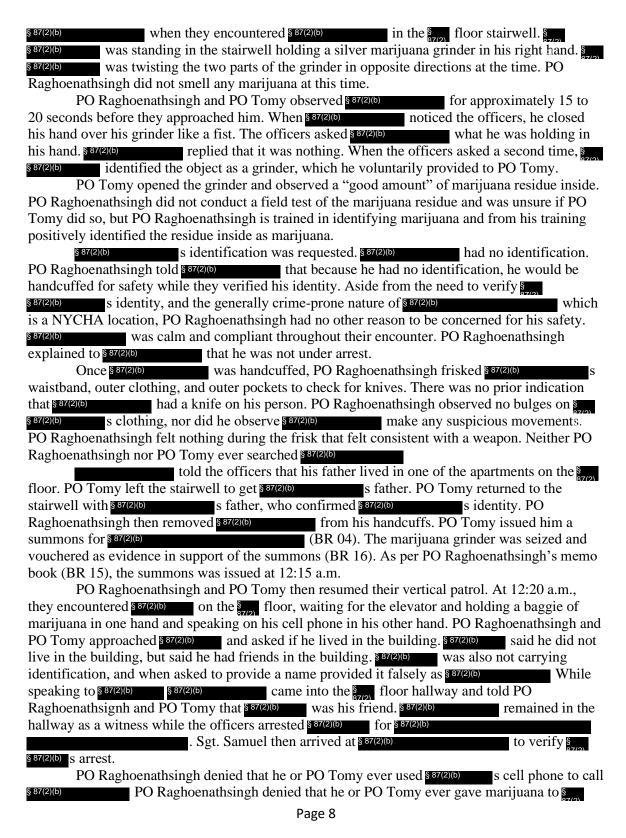


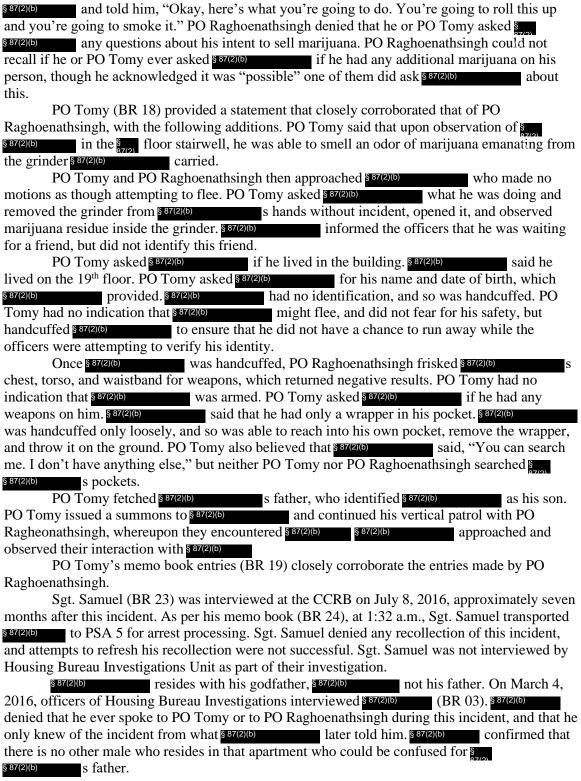


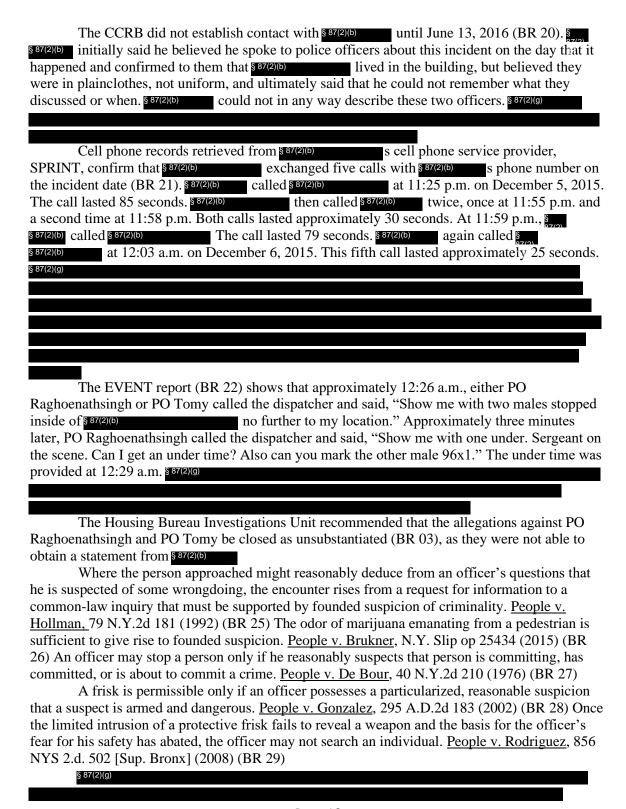
In the account provided by § 87(2)(b) the marijuana he carried was not in plain view, was in a small quantity, and he did not smell like marijuana, and the stop, frisk, and search of his person was therefore unjustified. In the account provided by PO Tomy and PO Raghoenathsingh, the stop, and any subsequent frisk and search, of §87(2)(b) were justified, as he was holding marijuana in plain view upon initial observation. § 87(2)(g) § 87(2)(g) Allegation G – Abuse of Authority: Police Officer Brian Raghoenathsingh stopped [337/2] Allegation H – Abuse of Authority: Police Officer Sajit Tomy stopped §87(2)(6) Allegation I – Abuse of Authority: Police Officer Brian Raghoenathsingh questioned [887/2] Allegation J – Abuse of Authority: Police Officer Sajit Tomy questioned 887(2)(6) Allegation K – Abuse of Authority: Police Officer Brian Raghoenathsingh frisked 887(2) Allegation L – Abuse of Authority: Police Officer Brian Raghoenathisngh searched [807/2] It is undisputed that PO Raghoenathsingh and PO Tomy stopped § 87(2)(b) (BR 12 and 13) said that on December 5, 2015, at around 11 p.m., he was at his apartment, § 87(2)(b) Apartment 19I, in Manhattan, when his friend, called and asked to come over. § 87(2)(b) was aware at that time that § 87(2)(b) would be bringing a quantity of marijuana with him. Approximately a half an hour after speaking to \$87(2)(b) called him, as he had not come over as expected. §87(2)(b) called §87(2)(b) multiple times but § \$87(2)(b) did not answer. Eventually, at approximately 11:50 p.m., someone called \$87(2)(b) s cell phone. § 87(2)(b) initially thought this person might have been § \$87(2)(b) s little brother until the person asked which apartment \$87(2)(b) was in, which caused § 87(2)(b) to become suspicious as §87(2)(b) knew what apartment §87(2)(b) lives in. § 87(2)(b) asked where \$87(2)(b) was and the person said, '\$87(2)(b) come in the staircase." left his apartment and went to the staircase between the and and floors, where he saw § 87(2)(b) who was handcuffed, standing with two officers, identified by the investigation as PO Tomy and PO Raghoenathsingh. Without speaking to \$87(2)(b) Tomy and PO Raghoenathsingh ran up the stairs to \$87(2)(b) PO Raghoenathsingh grabbed one of \$87(2)(b) s arms and pinned his back against the wall. \$87(2)(b) thought PO Raghoenathsingh did this because he thought § 87(2)(b) would run. PO Raghoenathsingh asked \$87(2)(b) if he had any marijuana on his person, \$87(2)(b) replied that he did not. PO Tomy then patted down the exterior of \$87(2)(b) s right shorts

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